

REMARKS

Claims 1-24 are pending in the application. Favorable consideration is requested.

Once again, respectfully stated, the Office Action includes errors and inconsistencies and is believed to contain rejections that should be withdrawn.

The following prior art rejections have been asserted against the claims:

1. In paragraph no. 3 on pages 2-5 of the Detailed Action, claims 1, 3, 5-6, 8-9, 12, 14, 15, 17-20 and 22-23 stand rejected under 35 U.S.C. 103 as allegedly being "**anticipated**" by:

B = Bonsall (USP 5865766) in view of

C = Blum (USP 4268268), and further in view of

P = Pfeiffer (USP 5902253).
2. In paragraph no. 4 on pages 5-6 of the Detailed Action, claims 2, 4, 13, 16, and 21 stand rejected under 35 U.S.C. 103(a) as allegedly being "**anticipated**" by:

B and

P in view of

S = Suzuki (USP 6595948).
3. In paragraph no. 5 on pages 6-7 of the Detailed Action, claims 7, 10 and 11 stand rejected as allegedly being obvious over:

B and

P in view of

Klein (USP 4244787).

Claim 1 is the only independent claim in the application. All claims depend either directly or indirectly from claim 1. Claim 1 has only been rejected under 35 U.S.C. 103 as allegedly being "**anticipated**" by:

B = Bonsall (USP 5865766) in view of

C = Blum (USP 4268268), and further in view of

P = Pfeiffer (USP 5902253).

Claim 1 is not "anticipated" by B, C, or P because not one of those references discloses each and every feature of claim 1.

Also, claim 1 is not rendered obvious by any motivated combination of the cited references. Claim 1 reads:

Automatic peritoneal dialysis sampling system comprising

a peritoneal dialysis sampling system adapted to automatically sample at specific time intervals volumic fluid fractions of a dialysate contained in a peritoneum of a patient in order to evaluate peritoneal membrane characteristics and/or improve peritoneal dialysis for a given patient, wherein said peritoneal dialysis sampling system comprises:

- a series of sampling containers,
- pumping means, and
- a series of valves adapted to direct a certain quantity of each fluid fraction sample of dialysate taken from a peritoneum of a patient to a specific sampling container in the series of sampling containers.

In the rejection of claim 1, the Examiner only cites the B and C references. Applicant submits that there is no motivation for a person skilled in the art to combine the teachings of the B and C references and arrive at the invention of claim 1.

The B reference teaches a unique, automatic peritoneal dialysis sampling system. The B reference does not teach or suggest, *inter alia*, the use of the claimed multiple sampling containers or the use of the claimed series of valves. Although the C reference discloses multiple sampling containers, there is no incentive in the B reference that would lead a skilled person to replace B's single sampling container with C's plurality of containers in order to improve the quality or the speed in the determination of the membrane characteristics.

Moreover, there is no incentive in the C reference to use a plurality of containers in order to determine the membrane characteristics or to speed up the evaluation of the dialysis thanks to multiple sampling during the same cycle.

Thus, a skilled person would not combine the B and C references and arrive at the claim 1 invention. As a result, there is no *prima facie* case of obviousness, and the rejection of claim 1 should be withdrawn. This means that claim 1 and all of its dependent claims are allowable.

Applicant respectfully submits that the application is in condition for allowance. A notice to that effect is earnestly solicited.

If the Examiner has any questions concerning this case, the undersigned may be contacted at 703-816-4009.

NEFTEL
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Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Duane M. Byers/

Duane M. Byers
Reg. No. 33,363

901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000